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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JIMMIE STEPHEN,  
12 CDCR #C-56483;

13 Plaintiff,

14 vs.

15 BRAVO,  
16

17 Defendant.  
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Civil No. 08-0749 BTM (AJB)

**ORDER TO SHOW CAUSE WHY  
CASE SHOULD NOT BE  
DISMISSED FOR FAILING TO PAY  
FILING FEE OR MOVE TO  
PROCEED *IN FORMA PAUPERIS*  
PURSUANT TO 28 U.S.C. § 1915(a)**

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20 Plaintiff, a state inmate currently incarcerated at the California Men's Colony in San Luis  
21 Obispo, California and proceeding pro se, has filed what appears to be a civil rights Complaint.

22 All parties instituting any civil action, suit or proceeding in a district court of the United  
23 States, other than a writ of habeas corpus, must pay a filing fee of \$350. *See* 28 U.S.C.  
24 § 1914(a). An action may proceed despite a party's failure to pay only if the party is granted  
25 leave to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v.*  
26 *Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

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1 Here, Plaintiff has neither prepaid the \$350 filing fee required to commence this action,  
2 nor has he submitted a Motion to Proceed IFP. Therefore, this action is subject to immediate  
3 dismissal pursuant to 28 U.S.C. § 1914(a).

4 **II. Conclusion and Order**

5 For the reasons set forth above, the Court hereby:

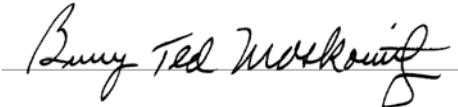
6 (1) **ORDERS** Plaintiff to show cause why this case should not be dismissed, without  
7 prejudice for failure to pay the \$350 filing fee or file a Motion to Proceed IFP pursuant to 28  
8 U.S.C. §§ 1914(a) and 1915(a).

9 (2) No later than **June 25, 2008**, Plaintiff must either: (a) prepay the entire \$350 civil  
10 filing fee in full; *or* (b) complete and file a Motion to proceed IFP which includes a certified  
11 copy of his trust account statement for the 6-month period preceding the filing of his Complaint  
12 pursuant to 28 U.S.C. § 1915(a)(2) and S.D. CAL. CIVLR 3.2(b). If Plaintiff fails to pay the  
13 filing fee or properly move to proceed *IFP* by June 25, 2008, this entire action will be dismissed  
14 without prejudice.

15 (3) The Clerk of the Court is directed to provide Plaintiff with the Court's approved  
16 form "Motion and Declaration in Support of Motion to Proceed *In Forma Pauperis*."

17 **IT IS SO ORDERED.**

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19 DATED: May 12, 2008

20   
21 Honorable Barry Ted Moskowitz  
22 United States District Judge  
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